

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DARIAN TENSLEY

Petitioner :
v. : 3:13-CV-3088
: (JUDGE MARIANI)

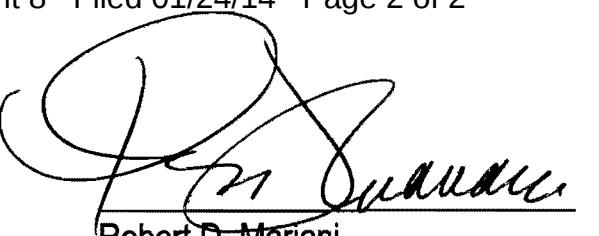
J. THOMAS

Respondent :
:

ORDER

AND NOW, THIS 24th DAY OF JANUARY 2014, upon *de novo* review of Magistrate Judge Schwab's Report & Recommendation (Doc. 4), and upon consideration of Petitioner's Letters (Docs. 5, 7) which the Court will construe as Objections, and his Petition for Writ of Habeas Corpus (Doc. 1), **IT IS HEREBY ORDERED THAT:**

1. Petitioner's Objections (Docs. 5, 7) are **OVERRULED**.
2. The Report & Recommendation (Doc. 4) is **ADOPTED**.
3. Tensley's Petition for Writ of Habeas Corpus (Doc. 1) is **DISMISSED WITHOUT PREJUDICE** to Tensley bringing a *Bivens* action. Because Petitioner raises potential civil rights claims, including multiple allegations of Eighth Amendment excessive force, he may bring a *Bivens* action by filing the appropriate forms with this Court.
4. A Certificate of Appealability will **NOT** issue.
5. The Clerk of Court is directed to **CLOSE** the case.



Robert D. Mariani
United States District Judge